

REMARKS

This is in response to the Office Action dated May 17, 2005, in which Claims 1-7 and 10-18 are allowed and Claims 8, 9 and 19-35 were rejected under 35 U.S.C. 112. The rejection is respectfully traversed according to the following remarks. It is respectfully submitted that, as submitted, all the pending claims are allowable.

Rejection Over Claims 8 and 25

Claims 8 and 25 were rejected under 35 U.S.C. 112, second paragraph. The Examiner indicated that Claims 8 and 25 recite the limitation "sodium chloride 0.75 wt.% in Claims 1 and 19. There is insufficient antecedent basis for this limitation in the claims.

Claims 8 and 25 provides the formula for preparing the anti-microbial composition as claimed in Claims 1 and 19. The formula as claimed does not only contain the sodium chloride of 0.75 wt.%, but also contains purified water with a quantity sufficient in volume for preparing the anti-microbial composition as claimed in Claims 1 and 19. As disclosed in line 1 of page 16 of the specification as originally filed, the weight percentage of the chlorite compound is defined by weight per unit volume (weight/volume). Therefore, the resultant weight percentage of the anti-microbial is not only determined by the weight (or the weight percentage) of the sodium chlorite, but is also a function of the volume of the purified water or the total volume of all the components required in the formula. In other words, as the sodium chloride is mixed with the purified water, the concentration of the sodium chloride is diluted to the required concentration as claimed in Claim 1.

Therefore, the additional limitations of sodium chloride 0.75 wt.%, while being read as a whole with other components, particularly, with the purified Q.S. to volume of Claims 8 and 25, is properly supported by Claims 1 and 19. The rejection under 35 U.S.C. 112, second paragraph is respectfully traversed.

Rejection Over Claims 19-35

Claims 19-35 were rejected under 35 U.S.C. 112, first paragraph, as failing with the written description requirement. The Examiner indicated:

“The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed invention directed to “A method of providing a therapeutic application onto a living being”. Such method requires the treatment of unspecified disease and no evidence indicates that treatable disease was known to the applicant. Therefore, the fact pattern indicates that artisan was not in possession of the claimed invention.”

Based on the above statement, the examiner considered the method as claimed in Claim 19 as a method providing treatment of diseases. It is well understood that a disease may generally apply any departure or deviation from normal conditions or any destructive process in an organ or organism of a living being (refer to “Webster’s New World College Dictionary”). The specification as original filed provides several examples of therapeutic applications in paragraphs [0123] to paragraph [0144] from page 34 to page 38, including treatments of psoriasis plaques (No crossover and cross over), cold sores, venous ulcer, diabetic decubitus ulcer, and dry eye conditions, which are all departures from normal conditions or destructive processes in organ or organism such as skin, veins and eyes. Therefore, the exemplary therapeutic applications as disclosed by the Applicant clearly establish that specific treatable diseases were specified and known to the Applicant at the time the application was filed.

Therefore, the subject matter of Claims 19-35 has been described in the specification that reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention, and the rejection over Claims 19-35 is respectfully traversed.

According to the above, there is sufficient antecedent basis in Claims 1 and 19 for the limitation of sodium chloride in Claims 8 and 25, and the subject matter as claimed in Claims 19-35 is fully supported by the specification as original filed. Therefore, in addition to the allowable Claims 1-7 and 10-18, Claims 8-9 and 19-35 are respectfully submitted to be patentable. A notice of allowance of all the pending claims is thus respectfully solicited.


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If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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By:



Kit M. Stetina

Customer No.: 007663

Registration No. 29445

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

Fax: (949) 855-6371

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